

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

March 28, 2024  
LAURA A. AUSTIN, CLERK  
BY:  
*/s/T. Taylor*  
DEPUTY CLERK

**PEDRO BOBBY MERCHANT,  
Plaintiff,**

**Civil Action No. 7:24-cv-00132**

v.

**OFFICER C. PHILIPS, et al.,  
Defendant(s).**

**MEMORANDUM OPINION**

**By: Thomas T. Cullen  
United States District Judge**

Plaintiff, proceeding pro se, filed a civil rights complaint, pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). By order entered February 20, 2024, the court directed plaintiff to submit, within 30 days from the date of the order, the consent to withholding of filing fees form in order to complete the application to proceed without the prepayment of the filing fee. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice.

More than 30 days have elapsed, and plaintiff has failed to comply with the described conditions. Accordingly, the court will dismiss the action without prejudice and strike the case from the active docket of the court. Plaintiff may refile the claims in a separate action once plaintiff is prepared to comply with the noted conditions.

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying Order to plaintiff.

ENTER: This 28th day of March, 2024.

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*/s/ Thomas T. Cullen*  
United States District Judge